

Response After Final
Application No. 10/809,889
Attorney Docket No. 042089

REMARKS

Claims 1-19 are pending in the present application. It is respectfully submitted that this response is fully responsive to the outstanding Office Action dated June 1, 2007.

Reconsideration in view of the following comments is respectfully requested.

As to the Merits:

As to the merits of this case, the Examiner sets forth the following rejection:

claims 1-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dorenbosch et al. (U.S. Pat. Publication 2002/0173308, of record).

This rejection is respectfully traversed.

Claim 1:

With regard to the Dorenbosch reference, the Examiner acknowledges that such reference fails to explicitly disclose the features of claim 1 concerning “wherein when the user of the forwarding destination logs in, the forwarding destination information corresponding to the logged-in user of the forwarding destination is extracted from a forwarding destination column of the received instant message, the extracted forwarding destination information is set as a destination, and the instant message is transmitted to the user of the set destination”. Please see, page 3, lines 15-18 of the Action.

In order to overcome the above-noted drawbacks and deficiencies of the Dorenbosch reference, the Examiner asserts the following:

Dorenbosch teaches typically instant messages are routed through an IM server (i.e. original addressed to a server...) to get to the respective target destination (...which forwards the message to the target buddy Page 1 [0004] last sentence). Although Dorenbosch does not explicitly recite "extracting" [a forwarding destination from a] "forwarding destination column", it is obvious to one of ordinary skill in the art that the instant message is required to be routed through a IM server and that the forwarding destination column is analogous to the target buddy information in the subheader (Fig. 3 [48]), which is analyzed by the system in order to forward the buffered instant message to the correct mobile subscriber when a connection is reestablished between the proxy server and the mobile subscriber (Fig. 2 [34a]). (Pages 3-4 [0032-0034] and Fig. 2 [36]).¹

However, while Dorenbosh may disclose that the target subheader 48 contains information that identifies a subscriber who is to receive the instant message 12 and that the IM proxy 24 efficiently utilizes the information in the target buddy and source buddy subheaders 48,50 to manage IM sessions between a mobile subscriber, and buddies of the mobile subscriber, it is respectfully submitted that the target buddy subheader 48 itself fails to include any type of forwarding destination information.

That is, there is no disclosure in Dorenbosh concerning the target buddy subheader 48 including forwarding destination information wherein the instant message is transferred to the mobile subscriber 12 based on the forward destination information included in the target buddy subheader 48. In other words, while the target buddy subheader 48 may contain information that identifies a subscriber who is intended to receive instant message 48, **the target buddy**

¹ Please see, page 3, line 19 through page 4, line 5 of the outstanding Action.

subheader 48 fails to include the actual destination information which is used as the destination address for the instant message which is transmitted to the mobile subscriber 12.

In contrast, for example, as discussed in paragraphs [0015] and [0016] of the present specification, the forward destination column 26 of the first instant message 20 sent by the first terminal 16a and received by the communication device 100 is used as the forwarding destination 32 in the second instant message 30 sent by the communication device 100 to the second client terminal 16b.

As such, since the target buddy subheader 48 fails to include the actual destination information which is used as the destination address for the instant message which is transmitted to the mobile subscriber 12, it is respectfully submitted that the target buddy subheader 48 is simply not analogous to the forwarding destination information extracted from a forwarding destination column which is set as a destination for which the instant message is transmitted to, as called for in claim 1.

Accordingly, it is respectfully submitted that the Examiner has failed to establish a *prima facie* case of obviousness with regard to the features of claim 1 based on the teaching of the applied reference of Dorenbosh.

Claim 13:

In addition, it is respectfully submitted claim 13 clearly distinguishes over the teachings of Dorenbosch et al., since this reference fails to disclose or fairly suggest *detecting by a terminal of a forwarder, whether or not a user of a terminal of a forwarding destination is logged in an instant message server; transmitting an instant message including identification information of the terminal of the forwarding destination from the terminal of the forwarder to a communication device when the user of the forwarding destination is not logged in the instant message server.*

That is, as discussed in the response dated September 18, 2006, and acknowledged by the Examiner on page 7, lines 7-9 of the Office Action dated November 30, 2006, Dorenbosch teaches that the information is only transmitted to the IM proxy when the mobile subscriber 12, or forwarding destination, is logged onto the IM system 10.

In other words, Dorenbosch fails to disclose the features of claim 13 concerning *transmitting an instant message including identification information of the terminal of the forwarding destination from the terminal of the forwarder to a communication device when the user of the forwarding information is not logged in the instant message server, as called for in claim 13.*

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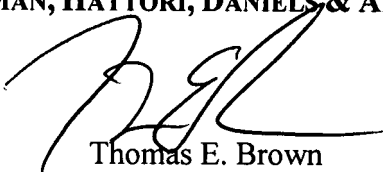
In view of the above remarks, Applicants traverses the Examiner's rejections and believes that this application is in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'TEB', is written over the printed name of Thomas E. Brown.

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